

Executive Order #39

Relating to an Affirmation of the Government-to-Government Relationship Between the State of Wisconsin and Indian Tribal Governments Located Within the State of Wisconsin

WHEREAS, the State of Wisconsin has a unique legal relationship with Indian Tribes, as affirmed and set forth in state and federal law; and

WHEREAS, within Wisconsin there are 11 federally recognized Tribes with elected or appointed Tribal governments; and

WHEREAS, the State of Wisconsin, a sovereign state within the United States, recognizes the unique status of Indian Tribes and their right to existence, self-government, and self-determination; and

WHEREAS, state regulations and other policy statements or actions have an impact on Indian Tribes; and

WHEREAS, State and Tribal governments play key roles in serving all of the citizens of the State of Wisconsin and collaboration between Tribes and State agencies will ensure that services are efficiently provided to all citizens, minimize service overlap, preserve natural resources and encourage sustainable economic development;

NOW THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, do hereby:

1. Direct cabinet agencies to recognize the unique legal relationship between the State of Wisconsin and Indian Tribes, respect fundamental principles that establish and maintain this relationship and accord Tribal governments the same respect accorded other governments;
2. Direct cabinet agencies to recognize the unique government-to-government relationship between the State of Wisconsin and Indian Tribes when formulating and implementing policies or programs that directly affect Indian Tribes and their members, and whenever feasible and appropriate, consult the governments of the affected Tribe or Tribes regarding state action or proposed action that is anticipated to directly affect an Indian Tribe or its members;
3. In instances where the State of Wisconsin assumes control over formerly federal programs that directly affect Indian Tribes or their members, direct cabinet agencies, when feasible and appropriate, to consider Tribal needs and endeavor to ensure that Tribal interests are taken into account by the cabinet agency administering the formerly federal program; and
4. Direct cabinet agencies to work cooperatively to accomplish the goals of this order;

5. General Provisions.

- a. Nothing in this order shall require cabinet agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law.
- b. Nothing in this order shall require cabinet agencies to violate or ignore any agreements or compacts between one or more Indian Tribes and the State of Wisconsin or one or more of its agencies.
- c. If any provision in this order conflicts with any laws, rules, agreements or other legal requirements or obligations imposed by state or federal law, the state or federal law shall control.
- d. Nothing in this order prohibits or limits any cabinet agency from asserting or pursuing any action or right, or taking any position under state or federal law or any existing agreement in relation to the interests of the State of Wisconsin or any of its state agencies.
- e. Nothing in this order creates any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the State of Wisconsin, its agencies, or any person.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-seventh day of February, in the year two thousand four.

JIM DOYLE

Governor

By the Governor:

DOUGLAS LA FOLLETTE

Secretary of State

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